

REMARKS

Claims 1-28, 30, and 32-33 are currently pending in this application, with claims 10 and 21 standing withdrawn from further consideration and claims 28, 30, and 32 standing allowed. This Amendment is responsive to the August 11, 2006 non-final Action and amends claims 1, 2, 4, 11, 25-27, and 33.

The Examiner is thanked for the time allowed to Applicants' representative on October 25, 2006. Independent claims 1, 11, and 25 are amended pursuant to the discussions with the Examiner. Claims 2 and 4 are amended for correct antecedent basis due to the amendments to independent claim 1. Claims 26 and 27 have been rewritten in independent form to include the limitations of claims 1 and 11, respectively, and should now be in condition for allowance in view of the indicated allowable subject matter in claims 26 and 27 in the Office Action.

In the foregoing amendments, independent claims 1 and 11 have been amended to further clarify the structure of the housing and the flow channel formed thereby. The flow channel is now set forth as being defined or formed by sidewalls and a bottom wall of the housing. With this clarifying change, the interior cavity of the modular cage is now indicated as being in fluid communication with both an inlet end and an outlet end of the housing and, further, with the flow channel therebetween. An additional clarifying amendment is present in independent claim 1 wherein a check valve is affirmatively recited as being seated with the interior cavity of the modular cage. Support for the clarifying language now associated with independent claims 1 and 10 is provided in paragraph [0023] of the specification and Fig. 3 of the drawings. Independent method claim 25 is amended in a similar manner to independent claims 1 and 11 with the clarifying language associated with the formation of the flow channel and fluid communication between the interior cavity of the modular cage and this flow channel.

Applicants are aware that the Examiner is citing Fig. 7 of International Publication No. WO 00/70246 (hereinafter "WO'246") in connection with independent claims 1 and 11. It is respectfully noted (and as discussed in the Interview) that Fig. 7 is nothing more than a cross-sectional view of the valve arrangement shown in Figs. 5 and 6. In Figs. 5 and 6, modular strut (10) is shown as having an inlet body (12), an outlet body (14), and one or more spacers or legs (16) extending between inlet body (12) and outlet body (14). As Figs. 5 and 6 show, valve body (56) extends between inlet body (12) and outlet body (14). Accordingly, it is respectfully

submitted that the arrangement formed by inlet body (12), outlet body (14), and spacers (16) is not a housing having an inlet and outlet and defining a flow channel therebetween. As noted in Applicants May 16, 2006 Amendment, no “flow” can pass between inlet body (12) and outlet body (14) without the presence of valve body (56). Simply, there is an open area between inlet body (12) and outlet body (14) and between opposing spacers (16) wherein a “flow channel” is not present, unless and until valve body (56) is connected between inlet body (12) and outlet body (14).

Nonetheless, Applicants have clarified in the foregoing that the housing defines a flow channel formed by sidewalls and a bottom wall of the housing. The spacers (16) disclosed by WO ‘246 do not meet this clarifying language. In order to further clarify the differences over WO’ 246, independent claims 1 and 11 (as well as independent method claim 25) have been clarified to indicate that the interior cavity of the modular cage is in fluid communication with the inlet end and the outlet end of the housing *as well* as the flow channel. Since the apparatus disclosed by WO’246 lacks the required housing and, by extension, a “flow channel”, this limitation cannot be met by the disclosure of WO’246.

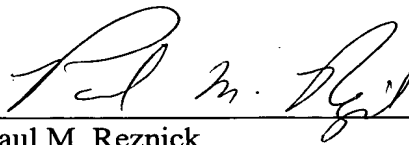
In the view of the foregoing clarifying changes to independent claims 1, 11, and 25, the rejections of these claims over WO’246 are respectfully submitted as being overcome and these claims are now in condition for allowance. Claims 2-10 and 12-24 depend directly or indirectly from independent claims 1 and 11, respectively, and are in condition for allowance for all the foregoing reasons as well. Claim 33 depends from independent claim 25 and is in condition for allowance for all of the foregoing reasons. The preamble of claim 33 has been amended to attend to the indefiniteness rejection of this claim in the Office Action.

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CONCLUSION

Should the Examiner have any questions regarding any of the foregoing or wish to discuss this application in further detail to advance prosecution, the Examiner is invited to contact Applicants' undersigned representative at the telephone number provided below.

Respectfully submitted,
THE WEBB LAW FIRM

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